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GEORGE D. LAPOINTE
COMMISSIONER

November 9, 2009

To: All Town Managers of Coastal Towns

RE: Shellfish Growing Areas Classification Program

We are very excited that the 124th legislature created three new positions for the Department's Growing Area Classification Program. We have filled the positions with highly qualified in-house staff members, which created three new vacancies. We are in the process of filling two of the three vacancies at this time and posting for applicants for the third vacancy.

The Growing Area staff members have been working hard to maintain compliance with the National Shellfish Sanitation Program (NSSP) this year. It has been very difficult due to flood closures; which delay necessary report writing, shoreline survey work and routine sampling. Early in 2009, due to our non-compliance with the NSSP, we found it necessary to limit the scope of our program to meet the staffing levels we have and to attempt to move Maine back into full compliance. Both New York and Connecticut had to take similar actions for similar reasons. Failure to maintain compliance can lead to the USDA prohibiting Maine from selling our shellfish beyond our State borders - at present approximately 70 to 80% of our product is sold in interstate commerce.

The new staff members will be competent in all aspects of the program within 1.5 to 2 years which will allow us to maintain a steady workload where required reports, pollution assessments and sampling are up-to-date and not falling behind. Until that time, we continue to struggle to maintain compliance so in order to effectively protect public health and to meet the objectives of the NSSP; we must continue to prioritize our work based upon towns with significant resources and active commercial shellfish programs.

We regret having to take these actions. But, as we have informed the Marine Resources Committee and the Shellfish Advisory Council, we have constricted our program overall and we will be focusing on maintaining those areas that have significant commercial harvest activity - in other words: people who rely on shellfish harvesting for their livelihoods. We will not be able to provide the same level of service to municipalities with recreational-only harvest or areas with limited shellfish resources. At the end of 2009 staff members have started to conduct shoreline survey in recreational areas which were closed; however that is only one part of the growing area classification program. The areas require reports and we have not been able to complete the necessary reports for recreational areas at this time.

If you have any questions or concerns please do not contact the Growing Area Program staff members; they are trying to complete necessary reports, shoreline survey and sampling to keep existing commercially harvested areas available for harvest. They have been instructed by the legislature to develop a work plan annually with the Department of Environmental Protection, and they will be adhering to the annual plan and not available for "special projects".

Sincerely,

George D. Lapointe
Commissioner of the Maine Department of Marine Resources



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